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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/478,677 01/06/00 HWANG

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EXAMINER

DEXTER, C

ART UNIT

PAPER NUMBER

3724

DATE MAILED:

07/17/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/478,677</b>	Applicant(s) <b>Hwang</b>
	Examiner <b>Clark F. Dexter</b>	Art Unit <b>3724</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on Apr 30, 2001.
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 10-17 is/are pending in the application.
- 4a)  Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 10-17 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.
- 12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)
- 17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      20)  Other: \_\_\_\_\_

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**DETAILED ACTION**

1. The amendments filed March 23, 2001 and April 30, 2001 have been entered.

***Drawings***

2. The proposed drawing correction and the proposed new drawing figure, filed on March 23, 2001 have been **approved**.

***Terminal Disclaimer***

3. The terminal disclaimer filed on March 23, 2001 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U. S. Patent No. 6,125,733 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Claim Objections***

4. Claims 11, 14 and 15<sup>X</sup> are objected to because of the following informalities:  
In claim 11, line 14, "(33')” is inaccurate and should be changed to --(33)--.  
In claim 14, line 1, "(50)” is inaccurate and should read --(50, 50')--.  
Appropriate correction is required.

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***Claim Rejections - 35 USC § 112***

5. Claims 10-17<sup>X</sup> are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language and should be carefully reviewed. The following are examples of many of the occurrences of such language.

In claim 10, lines 1-2, “a first cutting direction” and “a second cutting direction” are vague and indefinite as to what direction is being defined, particularly in view of their use in the body of claim 10 along with claims 11 and 12 which depend from claim 10; in line 5, structural cooperation is not sufficiently provided between the body and the work surface, and it is suggested to simply delete “for”; in lines 9-10, the recitation “for cutting the foam sponge piece in the first cutting direction” renders the claim vague and indefinite and appears to be inaccurate; in line 13, “a first moving direction” is vague and indefinite as to what direction is being defined; in lines 15-16, the recitation “for cutting the foam sponge piece in the second cutting direction” renders the claim vague and indefinite and appears to be inaccurate; in line 19 “a second moving direction” is vague and indefinite as to what direction is being defined.

In claim 11, line 2, “the first direction” is vague and indefinite as to which first direction; in line 4, structural cooperation is not positively provided between the driving wheel and the first blade strip, and it is suggested to simply delete “for”; in line 6, “the guiding wheels” lacks antecedent basis; also in line 6, structural cooperation is not positively provided between the plurality of guiding wheels and the first blade strip, and it is suggested to simply delete “for”; in

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line 9, the recitation "parallel to the first cutting direction" is vague and indefinite and appears to be inaccurate; in line 11, the recitation "parallel to the first cutting direction" is vague and indefinite and appears to be inaccurate; in line 17, "movement means" is vague and indefinite as to what disclosed structure it refers, particularly in view of the previous recitation of "first blade turning unit movement control mechanism" (it is noted that the features corresponding to numerals 23 and 24 are disclosed as part of 93).

In claim 12, line 2, "the second direction" is vague and indefinite as to which first direction; in line 4, structural cooperation is not positively provided between the driving wheel and the second blade strip, and it is suggested to simply delete "for"; in line 6, "the guiding wheels" lacks antecedent basis; also in line 6, structural cooperation is not positively provided between the plurality of guiding wheels and the second blade strip, and it is suggested to simply delete "for"; in line 9, the recitation "parallel to the second cutting direction" is vague and indefinite and appears to be inaccurate; in line 11, the recitation "parallel to the second cutting direction" is vague and indefinite and appears to be inaccurate; in line 17, "movement means" is vague and indefinite as to what disclosed structure it refers, particularly in view of the previous recitation of "first blade turning unit movement control mechanism".

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***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10-17, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuhauser et al., pn 2,654,404 in view of Criner, pn 2,185,835 (hereafter Criner '835).

Neuhauser et al. discloses a cutting apparatus with almost every structural limitation of the claimed invention as best understood from the claims but appears to lack (a) a working surface, particularly a movable working surface with means to move the working surface; and (b) first and second blade turning unit movement control mechanisms.

Regarding (a), the Examiner takes Official notice that conveying devices that include

movable working surfaces are old and well known in the art, particularly the art for cutting timber and provide various well known benefits including automatically moving a workpiece to a processing device such as a cutting device to perform a desired (i.e., cutting) operation.

Therefore, it would have been obvious to one having ordinary skill in the art to provide a working surface, particularly a movable working surface with means to move the working surface on the device of Neuhauser et al. for the well known benefits including that described above.

Regarding (b), Neuhauser et al. discloses structure for adjusting the spacing between blade strips, but lacks control mechanism for performing the adjusting operation. However, the

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Examiner takes Official notice that blade spacing adjustment mechanisms are old and well known in the art as evidenced by Criner '835 for enabling automatic spacing adjustment between band-type blades for providing cuts of desired thickness. Therefore, it would have been obvious to one having ordinary skill in the art to provide first and second blade turning unit movement control mechanisms on the device of Neuhauser et al. for the well known benefits including that described above.

Regarding claims 11 and 12, Neuhauser et al. lacks a plurality of guide wheels. However, the Examiner takes Official notice that it is old and well known in the art to provide a plurality of guide wheels for a band-type saw for various known benefits including to provide additional tensioning or to provide additional stability of the cutting band. Therefore, it would have been obvious to one having ordinary skill in the art to provide a plurality of guide wheels on the apparatus of Neuhauser et al. to gain the well known benefits including that described above.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cfd  
July 16, 2001

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.